

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ISHIO et al.

Serial No. 09/883,366

Filed: June 19, 2001

For: SEMICONDUCTOR DEVICE AND MANUFACTURING
METHOD OF SAME



Atty. Ref.: 1035-330

Group: 2811

Examiner: Costanzo, P.

#5
Election
FJONES
8-7-02

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TECHNOLOGY CENTER 2800

Assistant Commissioner for Patents
Washington, DC 20231

BEST AVAILABLE COPY

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated July 23, 2002 holding the subject matter of claims 1-10 to be non-obvious and patentably distinct from that of claims 11-16, Applicant(s) hereby elect the invention of Group I, (upon which claims 1-10 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

July 31, 2002

By: H. Warren Burnham, Jr.

H. Warren Burnham, Jr.

Reg. No. 29,366

HWB:lsh

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UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1035-330

C# M#

ISHIO et al.

Serial No. 09/883,366

Group Art Unit: 2811

Examiner: Costanzo, P.

Filed: June 19, 2001

Date: July 31, 2002

Title: SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD OF SAME

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment **16** minus highest number
previously paid for **20** (at least 20) = 0 x \$ 180.00

Independent claims after amendment **3** minus highest number
previously paid for **3** (at least 3) = 0 x \$ 84.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: *H. Warren Burnam, Jr.*